

REMARKS

Claim Amendments

Claims 37-72 are pending and under examination. Applicants have amended claims 37, 48, 54, and 65. Support for the amendments can be found in the specification at, for example, p. 15, lines 28-35, p. 17, lines 4-12, and p. 22, lines 25-33. No new matter has been introduced.

Office Action

Applicants respectfully traverse the following actions:

(a) rejection of claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,878,231 (“Baehr”) in view of U.S. Patent App. Pub. No. 2004/0172557 (“Nakae”); and

(b) rejection of claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Baehr in view of Nakae and further in view of U.S. Patent No. 7,331,061 (“Ramsey”).

Rejection of Claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over Baehr in view of Nakae. *See* Office Action, pp. 4-11.

The Office Action alleges that Baehr’s screen 340 and proxy network 430 as a whole constitute a “test system,” as recited in claim 37. *See* Office Action, p. 5. The Office Action also alleges that Baehr’s hosts found on a private network 330 constitute “a set of machines,” as recited in claim 37. *See id.* The Office Action further alleges that Baehr’s proxy hosts included in the proxy network 430 constitute “test facilities,” as recited in claim 37. *See id.*

However, Baehr does not teach or suggest that in the absence of an adverse effect, directing, by the proxy hosts included in the proxy network 430, a data packet determined not to have an adverse effect, to the private network 330. In contrast, Baehr explicitly teaches that “the

proxy network is isolated from the private network, so it cannot be used as a jumping off point for intruders.” Baehr, Abstract (emphasis added). As similarly argued in the Amendment filed August 4, 2010, Baehr discloses that when a packet sent by a user attempting to access the private network is received from a public network, the packet is shunted aside to the proxy network, which mimics the functions of the private network and operates on the packet to meet the request contained in the packet. *See e.g.*, Baehr, col. 4, lines 56-61, and col. 8, lines 13-29. Baehr also discloses that when packets “are passed [by the screen 340,] they may be turned aside to be operated upon by a proxy host in the proxy network 430.” *Id.*, col. 10, lines 45-48.

Baehr, however, does not teach or suggest that the proxy network (or any host included therein) directs or passes a packet to the private network, after the packet is run on the proxy network and after being determined not to have an adverse effect. Baehr instead expressly discloses that the proxy network processes the packet in the same way as the private network would have processed it, so that it “appear[s that the packet] [] have been processed by the specified destination host (when in fact the proxy host has handled it).” *Id.*, col. 9, lines 1-3. Baehr also suggests that the packet processed by the proxy network never reaches the private network. *See id.*, col. 8, lines 45-46, stating “preventing [the user] from ever actually accessing the private network”). Therefore, Baehr does not teach or suggest “in the absence of an adverse effect, directing, by said test facilities, the communication entities not having the adverse effect to said set of machines,” as recited in claim 37 (emphases added).

Nakae does not cure the deficiencies of Baehr. Nakae discloses an “attack defending system and attack defending method.” Nakae, Title. The Office Action relies on Nakae’s disclosure of a “detecting section 202 of the decoy unit 2.” Office Action, p. 7. Nakae’s detecting section 202, however, does not replicate the machine to be protected, and therefore, does not constitute the claimed “test facilities replicating at least one of said machines in said

set,” as recited in claim 37. Moreover, Nakae does not teach or suggest “in the absence of an adverse effect, directing, by said test facilities, the communication entities not having the adverse effect to said set of machines,” as recited in claim 37 (emphases added). Therefore, Nakae does not cure the deficiencies of Baehr.

Accordingly, Baehr and Nakae, whether taken alone or in combination, do not render claim 37 obvious. Thus, claim 37 should be allowable over Baehr and Nakae. Although of different scope, amended independent claim 54 recites features similar to those discussed above in connection with claim 37. Therefore, claim 54 should also be allowable over Baehr and Nakae for at least the same reasons discussed above with respect to claim 37. In addition, dependent claims 38, 39, 46-51, 55, 56, 63-68, 71, and 72 should be allowable at least by virtue of their respective dependence from base claim 37 or 54, and because they recite additional features not disclosed in Baehr and Nakae. Accordingly, Applicants request withdrawal of the rejection.

Rejection of Claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawn of the rejection of claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Baehr in view of Ramsey.

As explained above, Baehr does not disclose or suggest, among other features, at least Applicants’ claimed “in the absence of an adverse effect, directing, by said test facilities, the communication entities not having the adverse effect to said set of machines,” as recited in claim 37 (emphases added).

Ramsey does not cure the deficiencies of Baehr, because Ramsey does not teach or suggest, among other features, “in the absence of an adverse effect, directing, by said test

facilities, the communication entities not having the adverse effect to said set of machines,” as recited in claim 37 (emphases added).

Therefore, Baehr and Ramsey, taken either alone or in combination, do not render claim 37 obvious. Thus, independent claims 37 should be allowable over Baehr and Ramsey. Although of different scope, amended independent claim 54 recites features similar to those discussed above in connection with claim 37. Therefore, claim 54 should also be allowable over Baehr and Ramsey for at least the same reasons discussed above with respect to claim 37. In addition, dependent claims 40-45, 52, 53, 57-62, 69, and 70 should be allowable at least by virtue of their respective dependence from base claim 37 or 54, and because they recite additional features not taught or suggested in Baehr and Ramsey. Accordingly, Applicants respectfully request withdrawal of the rejection.

Conclusion

Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 37-72 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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